

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court  
Southern District of Texas

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

JUL 30 2014

David J. Bradley, Clerk

United States of America  
v.  
Eduardo DAVILA (DOB: 1981)  
Velia TALAMANTEZ (DOB: 1968)  
United States Citizens

Case No.

14-1461-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/29/2014 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 922(g)(1)

possession of a firearm by an individual having been convicted  
of a felony

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

approved for filing



AUSA



Complainant's signature

Kevin D. Brown - ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

July 30, 2014

City and state:

McAllen, TX

Judge's signature

U.S. Magistrate Peter Ormsby

Printed name and title

**ATTACHMENT A**

I, Special Agent Kevin D. Brown, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since April 2009.

1. My duties include the investigation of violations of Federal firearms laws. I know it to be unlawful for any person who has been convicted of a crime punishable by more than one year in prison to possess a firearm.
2. On July 29, 2014, McAllen, Texas ATF Special Agents and the Hidalgo County Sheriff's Office executed a state search warrant signed by the 139th District Court Magistrate Judge Bobby Flores. The search warrant was signed on July 25, 2014. The search warrant included the property known as 511 N. Lincoln Street, Hargill, TX 78549. Eduardo DAVILA and Velia TALAMANTEZ reside at the aforementioned address.
3. Following the search, DAVILA and TALAMANTEZ were transported to the Hidalgo County Sheriff's Office. DAVILA and TALAMANTEZ waived their right to an attorney and agreed to speak to the investigators.
4. After waiving his right to an attorney, DAVILA stated that the three firearms in the bedroom belonged to him. DAVILA said that he had shot the Norinco SKS in May of 2014 at multiple unidentified individuals who attempted a home invasion robbery at his residence in Hargill, TX. DAVILA said that he almost shot the same firearm at law enforcement while they approached his residence. DAVILA stated that he decided not to fire his weapon after he realized that the individuals approaching were law enforcement officers and not home invaders.

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ATTACHMENT A

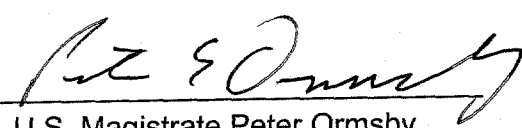
5. DAVILA stated that he keeps the Sturm Ruger pistol and the Norinco SKS rifle next to his bed at all times. DAVILA told the investigators that he has these firearms to protect his residence from home invasions. DAVILA said that he sells a lot of narcotics from his residence and that he needs firearms to protect his residence due to his drug trafficking activities. DAVILA admitted that he knows that he cannot legally possess firearms.

6. After waiving her right to an attorney, TALAMANTEZ stated that she sleeps in the same bedroom as DAVILA. TALAMANTEZ stated that she was in that same bedroom on the morning of July 29th, 2014, when law enforcement approached her residence. TALAMANTEZ said that she has access to the firearms in the bedroom and that the firearms are not secured in any way. TALAMANTEZ stated that she knowingly, illegally possesses firearms. TALAMANTEZ stated that she would rather break the law than to not be able to protect her family from home invaders who are trying to interrupt her family's drug trafficking activities.

6. Record checks show that DAVILA has felony convictions for Aggravated Assault with a Deadly Weapon (CR186203H) and Prohibited Weapons (CR28407H). Record checks also show that TALAMANTEZ has a felony conviction for Manufacturing/Delivery of a Controlled Substance (CR255400G). DAVILA and TALAMANTEZ both confirmed these felony convictions.

  
Kevin D. Brown - ATF Special Agent

Sworn to before me and subscribed in my presence,

  
U.S. Magistrate Peter Ormsby

7/30/2014  
Date